

### **REMARKS**

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 2, 4, 6, 7, 9, 10, 13, 14, 16 and 22-24 are pending in the application. Claims 2, 4 and 6 are independent.

The Office Action dated May 29, 2009 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### **Claim Objections**

Claims 2, 4 and 6 stand objected to for lack of a proper antecedent basis. Responsive thereto, claims 2, 4 and 6 have been amended to address the antecedent basis issue in the helpful manner suggested by Examiner Ha. Reconsideration and withdrawal of the objection are respectfully requested.

#### **Claim Rejections – 35 U.S.C. § 103**

Claims 2, 6, 7, 13, 14, 16, 22 and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Irihara in view of Momose, JP 62-106446 to Nishimura et al. (“Nishimura”) and JP 07-187442 to Nanbu et al. (“Nanbu”). Claims 4 and 23 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Irihara in view of Momose, Nishimura and Nanbu, and further in view of Kobayashi. Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the cited references must teach or suggest each and every element in the claims. See M.P.E.P. § 706.02(j); M.P.E.P. 2141-2144.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claims 2, 4 and 6 have been amended to recite a combination of elements in an image forming apparatus including the image forming apparatus further wherein when, in the case that multi-

feeding has occurred in which when a first recording paper is transported by the recording paper transport system another recording paper is also transported, and the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is automatically continued without operator input. Applicants respectfully submit that this combination of elements as set forth in independent claims 2, 4 and 6 is not disclosed or made obvious by the prior art of record, including Irihara, Momose, Nishimura, Nanbu and Kobayashi.

The Examiner states that Momose teaches continuing image formation when a second paper is not between a first paper and an image forming portion and prohibiting image formation when the second paper is between the first paper and the image forming portion. The Examiner cites Nishimura for a paper length sensor and cites Nanbu for sensing a leading or a trailing edge of a paper. Irihara shows an image forming device that might be construed as having an image forming device 48 to which recording paper may be fed from either a straight pass system 54 or a front feeding U-turn pass 51.

Applicants respectfully submit that Irihara does not provide for the possibility of double feed of paper, much less provide a solution therefore wherein in the case that multi-feeding has occurred in which when a first recording paper is transported by the recording paper transport system another recording paper is also transported, and the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is automatically continued without operator input, as now recited in the instant claims. Contrary, to the Office Action, paragraph [0054] of Momose does not indicate image forming is automatically continued without operator input of instructions when a second paper is not between a first paper and an image forming portion, as paragraph [0054] merely refers to the function of a “straight pass type printer” of the first or second embodiment, both of which stop image formation upon sensing of double feed, displays an error message to the operator, who then must enter subsequent operation instructions as described in paragraphs [0026]-[0028] and paragraphs [0041]-[0043]. Nishimura is cited for a showing of a paper length detector for judging the occurrence of jams, but fails to show or suggest in the case that multi-feeding has

occurred in which when a first recording paper is transported by the recording paper transport system another recording paper is also transported, and the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is automatically continued without operator input, and therefore cannot remedy the defects of Irihara as discussed above. Nanbu was cited for a paper length detector which detects the leading or trailing edge of the paper, but Nanbu fails to show or suggest in the case that multi-feeding has occurred in which when a first recording paper is transported by the recording paper transport system another recording paper is also transported, and the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is automatically continued without operator input, and cannot remedy the defects of Irihara as discussed above. And Kobayashi was cited to show only printing on the last page of double fed papers that overlap, and fails to show or suggest in the case that multi-feeding has occurred in which when a first recording paper is transported by the recording paper transport system another recording paper is also transported, and the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is automatically continued without operator input, and therefore cannot remedy the defects of Irihara as discussed above.

Applicants respectfully submit that the combination of elements as set forth in independent claims 2, 4 and 6 is not disclosed or made obvious by the prior art of record, including Irihara, Momose, Nishimura, Nanbu and Kobayashi, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested. With regard to dependent claims 7, 13, 14, 16 and 22-24, Applicants submit that claims 7, 13, 14, 16 and 22-24 depend, either directly or indirectly, from independent claims 2, 4 and 6 which are allowable for the reasons set forth above, and therefore claims 7, 13, 14, 16 and 22-24 are allowable based on their dependence from claims 2, 4 and 6. Reconsideration and allowance thereof are respectfully requested.

Claim 9 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Irihara in view of Momose, Nishimura and Nanbu, and further in view of Yoshimoto. This rejection is also respectfully traversed. Yoshimoto has been cited to show an image forming apparatus in which transfer bias is increased when multi-feeding has occurred. To the contrary, Yoshimoto only shows a photosensor 8 for detecting light from source 7 passing through fed paper and fails to show or suggest the image forming apparatus further comprises a paper detector that detects a leading or trailing edge of the recording paper, wherein when, in the case that multi-feeding has occurred in which when a first recording paper is transported by the recording paper transport system another recording paper is also transported, and the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is automatically continued without operator input, as now claimed, and therefore cannot remedy the defects of Irihara and Momose discussed above.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Irihara in view of Momose, Nishimura and Nanbu, and further in view of Nakagawa. This rejection is also respectfully traversed. Nakagawa has been relied upon for teaching an image forming apparatus wherein a fixing temperature is increased from normal in the case that the recording paper is thick. To the contrary, Nakagawa fails to show or suggest the image forming apparatus further comprises a paper detector that detects a leading or trailing edge of the recording paper, wherein when, in the case that multi-feeding has occurred in which when a first recording paper is transported by the recording paper transport system another recording paper is also transported, and the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is automatically continued without operator input, and therefore cannot remedy the defects of Irihara and Momose discussed above.

## **Conclusion**

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance.

Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

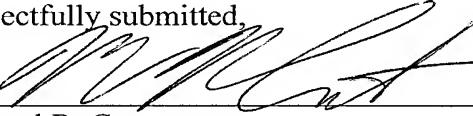
Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

Michael R. Cammarata

Registration No.: 39,491

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant